

Planning Committee – Supplementary agenda

A meeting of the Planning Committee will be held on:

Date: 29 May 2019

Time: 6.30pm

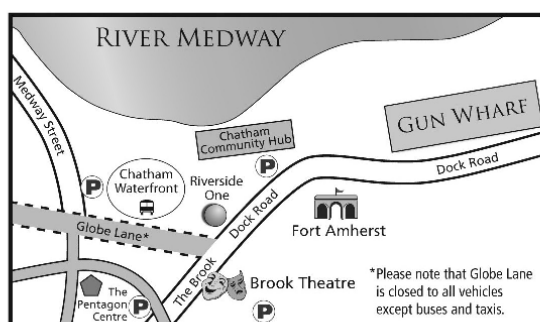
Venue: Meeting Room 9 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

Items

16 Additional Information - Supplementary agenda advice sheet (Pages 3 - 46)

For further information please contact Ellen Wright, Democratic Services Officer on Telephone: 01634 332012 or Email: democratic.services@medway.gov.uk

Date: 29 May 2019



This agenda and reports are
available on our website
www.medway.gov.uk

A summary of this information can be made available in other formats from **01634 333333**

If you have any questions about this meeting and you want to speak to someone in your own language please ring **01634 335577**

বাংলা 331780
中文 331781

ગુજરાતી 331782
हिंदी 331783

ਪੰਜਾਬੀ 331784
Polski 332373

کوردی 331841
একুশক্ষর 331786

ارو 331785
فارسی 331840

Русский 332374
Lietuviškai 332372

Medway Council

PLANNING COMMITTEE –
29 May 2019

Supplementary Agenda Advice

Minute 533 (Planning Committee 21 November 2018) Land adjacent to Rochester Train Station, Corporation Street, Rochester

Education Contributions – The Planning Committee were not agreeable to primary/infant contributions towards St Nicholas School in Strood and asked for consideration to be given, prior to the signing of the S106, to the allocation of the Education contribution towards schools in Rochester. Following discussion with the Education team and ward councillors in Rochester East and Rochester West it was agreed that the contribution go towards the Crest School. The S106 has been drafted accordingly and will be signed on that basis if agreed by the Planning Committee.

Minute 1005 Planning application - MC/19/0241 – 218 Beechings Way, Twydall, Gillingham

Approved subject to the conditions as agreed by the Chairman, Vice Chairman and opposition spokesperson.

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number 993-02 received 16 April 2019.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The proposed parking area (labelled as proposed driveway) located between the principal elevation of the dwellinghouse and the public footpath and as shown on drawing number 993-02 received 16 April 2019, shall not be brought into use until it has been formed from permeable surfacing materials or has provided with drainage arrangements within the site which shall thereafter be retained.

Reason: To manage surface water in accordance with Paragraph 103 of the NPPF.

Minute 1017 Planning application – MC/18/3666 – 257 City Way, Rochester ME1 2TL

Approved subject to the conditions as agreed by the Chairman, Vice Chairman and opposition spokesperson.

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers 1819-2005, 1819-2006 and 1819-2007 received on 24 December 2018 and 1819-2005 Proposed Site Block Plan received on 4 January 2019.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. All materials used externally shall match those of the existing building.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), the extension herein approved shall remain in use with the rest of the house as a single family dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use to C4 shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

Representation

Further representation has been submitted by the Mr McLennan of 262 Wilson Avenue. A copy of the letters are appended to this report.

Officers comment to representation:

The High Court discharged the stay on determination of this application and there is no impediment to the application being determined.

Officers do not consider that further comment is required on the matters of neighbour amenity (including privacy and daylight and sunlight) and the impact on the streetscene, all of which are dealt with in the report.

In respect of the further representations concerning Mr McLennan's solar panels, Officers maintain the analysis set out in the report. In particular:

- The impact on the solar panels is not a material planning consideration. It is a private interest and officers do not consider that the public interest requires the solar panels to be protected on the facts of this case.
- Even if the impact on the solar panels is a material planning consideration, Officers remain of the view – after having considered the further representations – that:
 - the impact would be negligible and not unacceptable; and
 - the impact would not be sufficient to indicate that the determination of this application should be other than in accordance with the development plan (with which the application complies for the reasons in the report).
- In addition, it is the view of Officers that even on the impact set out in the further representations, this would not be sufficient to indicate that the application should not be determined in accordance with the development plan.

Removal of PD rights

On the subject of the removal of permitted development rights for the dwelling house through condition or an Article 4 direction. It is considered that the use of an Article 4 direction in this instance to remove permitted development right for enlargement to the dwelling house would be unreasonable and would not meet the test set out under Paragraph 55 of the National Planning Policy

Framework which states "Planning conditions should only be imposed where they are:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.

Page 40 MC/18/2406
Avenue, Chatham

Whiffens Avenue Car Park, Whiffens

Representation

One additional letter has been received objecting to the proposed development on the following grounds:

- The proposal will destroy Military Heritage by interfering with the Field of Fire of Fort Amherst and the site is a mid-nineteenth century military burial ground

Page 110 MC/19/02158
Chatham

Land adjacent to 18 Hampshire Close,

Representations

A further four letters have been received re-iterating previous objections and making the following comments on the revised plans:

- The additional parking would not be enough;
- There are three blue badge holders and only one disabled parking bay is shown;
- Impact and disturbance arising from building works;
- Pollution.

Page 124 MC/18/1666

4A Luton Road, Luton, Chatham

Deferred from tonight's meeting

Page 134 MC/18/1595
Strood, Rochester

Broom Hill Reservoir, Gorse Road,

Deferred from tonight's meeting on request by the applicant.

Page 184 MC/19/0703
Chatham

34 The Causeway, St Mary's Island,

Representation

One additional representation has been received objecting to the application on grounds that:

- The viewing/seating platform would result in loss of light and loss of privacy.

A copy of the letter is appended to this report.

Planning Services
Medway Council,
Gun Wharf,
Dock Road,
Chatham, Kent ME4 4TR

Mr W & Mrs S McLennan
262 Wilson Avenue
Rochester
Kent ME1 2SP

Date 20th May 2019
By Email:
Planning.representations@Medway.gov.uk
cc. Dave Harris Head of Planning
dave.harris@medway.gov.uk

Tel [REDACTED]
Mob [REDACTED]
Email:
[REDACTED]

For the attention of Medway Planning Officer Amanda Grout.

Planning application Ref: MC/19/0666

Proposal: Construction of extension to rear, dormer window to side
(demolition of part existing rear extension, conservatory and garage).

Location: 260 Wilson Avenue Rochester, Kent ME1 2SP.

Position: Objection to planning application.

Dear Amanda Grout,

I write further to my representation dated 9th April and the discharge of the
STAY ORDER issued by Justice Andrews 17 April 2019.

The discharge of the STAY ORDER by Justice Thornton 13 May 2019 was based
on assurances of an "open mind" to this application despite it being potentially
infected with the same error of law as the original MC/19/2739.

The error of law will be resolved at the 11th June High Court hearing.

The potential error gives rise to why Justice Andrews issued the STAY ORDER
for MC/19/0666 and stated at [2]:

*"One of the key objections to the proposed development is an environmental
protection issue concerning the impact on existing solar panels."*

She further concludes at [7]:

"If a stay is granted and the Claimant is successful, there will be an opportunity to correct any errors in the application itself in advance of consideration by the First Defendant, and the planning officer will have the benefit of judicial guidance which should hopefully inform the way in which the decision on the new application is approached."

The STAY ORDER was not about factual errors of orientation, privacy, or streetscene features. Such matters can easily be reviewed and corrected in this application.

I do not know the reasons why Medway Council challenged the STAY ORDER as it provided security in making the correct decision for MC/19/0666 and protected the public purse from further legal recourse. (Refer Attachment 1.)

The burden now falls on Medway Local Planning Authority to determine whether a serious environmental issue exists in this application without judicial guidance.

It not difficult to identify explicit exemptions but the law also covers implicit with respect to environmental issues.

Environmental pollution caused by any development is a serious material planning matter regardless of how it manifests itself. Both the NPPF and Local Plan Policy BNE4 recognise the importance of solar panels in tackling Climate Change.

I have provided an estimation of CO2 pollution for the development at 17 tonnes based on the Government certified Stroma software used for building Energy Performance Certification.

Thus far Justice, Lieven, Justice Andrews, and Justice Thornton have stated there is a serious environmental planning matter specific to the solar panels to be tried.

To aid understanding of the relationship between shading of solar panels by the development and resulting CO2 pollution I have attached a briefing paper. (Refer Attachment 2).

Sunlight reduction to habitable rooms does not produce pollution and offers the Case Officer a balance of convenience in weighting their decision.

However, overshadowing of solar panels is complex because it is not a linear detriment between the amount of overshadowing and resulting environmental pollution.

A small amount of overshadowing has severe consequences in respect of power reduction which translates to quantifiable CO2 emissions.

It is not possible for a Case Officer to quantify the environmental impact without computer modelling using certified software.

A hand drawn overshadowing assessment is useful to rule out any possibility of overshadowing solar panels by a development but beyond that it is worthless.

In the case of 260 Wilson there is significant additional overshadowing of my property and garden simply by the fact that projections from the slope of the north facing elevation obstruct light and the significant height increase of the rear of the property extending eastwards also obscures sunlight.

The amount of overshadowing alters during the seasonal periods due to the sun trajectory and time. The length of the shadowing increases and decreases during the day.

Once it has been established that there is additional overshadowing by the development either the LPA or the applicant has to quantify the resulting impact and justify the detriment.

Given the Government concern on tackling Climate change, any development should be carbon neutral. The 260 Wilson development is not carbon neutral because it will create significant additional shadowing of the 262 Wilson south elevation solar panels.

The Energy Performance Certification (EPC) rating detriment to the neighbouring property may also be consider a material planning matter which raises a further complication about the proposed development.

The detriment to the expected energy saving performance of a property has wider implications for Climate Reporting and informing Government legislation. (Refer Attachment 3).

It is reasonable to consider the applicant was advised to submit a second planning application while the first is under challenge.

It follows therefore that the same source will advise on construction works under Permitted Development Rights.

Without some form of restriction or removal of Planning Rights there is the possibility of uncontrolled pollution which is within Medway Council's jurisdiction to prevent.

I have attached an Article 4 Relief claim for your consideration. Alternatively a Section 106 restriction may be better. (Refer Attachment 4.)

I hope this information is helpful and informative.

Yours sincerely

Bill McLennan

ATTACHMENT 1.



**In the High Court of Justice
Queen's Bench Division
Planning Court**

CO Ref: CO/155/2019

In the matter of [an application for Judicial Review]

The Queen on the application of WILLIAM ELLIS McLENNAN

versus

(1) MEDWAY COUNCIL

(2) KEN KENNEDY

On the application for urgent interim relief

Following consideration of the documents lodged by the Claimant

Order by the Honourable Mrs Justice Andrews DBE

1. There shall be a stay on the determination by the First Defendant of the Second Defendant's planning application MC/19/066 until the determination of the Claimant's application for judicial review in these proceedings or further order;
2. The Second Defendant shall not submit any further planning applications to the First Defendant in respect of the construction of an extension to the rear of 260 Wilson Avenue Rochester Kent ME1 2SP until after the determination of the Claimant's application for judicial review in these proceedings or further order.
3. Permission to the Defendants to apply to vary or discharge this order on 48 hours' written notice to the Claimant.
4. Costs reserved.

REASONS:

1. The Claimant's claim for judicial review of the First Defendant's decision to grant planning permission to the interested party to carry out the works in planning application MC/18/2739 is due to be heard on 11 June. There is an injunction prohibiting the Second Defendant from carrying out the development work referred to and permitted by that planning application until after that claim is determined.
2. One of the key objections to the proposed development is an environmental protection issue concerning the impact on existing solar panels.
3. The Second Defendant has put in a fresh application for planning permission MC/19/066 in materially the same terms as MC/18/2739, which the First Defendant would be obliged to decide about 4 weeks before the hearing of the judicial review unless the Defendants enter into a planning extension agreement. That application does not address the environmental protection issue.
4. The First Defendant is unwilling to seek a planning extension agreement.
5. If the claim for judicial review fails, the Second Defendant will be able to carry out the work under the original planning permission and will not need the second application.
6. If the claim for judicial review succeeds, then any subsequent permission granted which suffers from the same deficiencies will be liable to be quashed, but the Claimant will have to incur unnecessary further expense in order to achieve this.
7. If a stay is granted, and the Claimant is successful, there will be an opportunity to correct any errors in the application itself in advance of consideration by the First Defendant, and the planning officer will have the benefit of judicial guidance which should hopefully inform the way in which the decision on the new application is approached.
8. There is no evidence that the short period of delay between the time for making the decision and 11 June (or the later date of any reserved judgment) will cause any prejudice to the Second Defendant.

9. Whilst an applicant for planning permission is entitled to submit corrected plans, a short stay in circumstances such as these will mean that if and when the substantive application is considered, it will be considered properly and that must benefit all parties.
10. It is therefore both in accordance with the overriding objective and the balance of convenience to grant the urgent relief sought by the Claimant.

Geraldine M. Andrews

Signed

17 April 2019

--- The date of service of this order is calculated from the date in the section below

For completion by the Planning Court

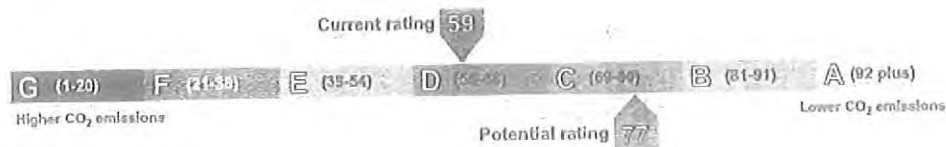
Sent to the claimant, defendant and any interested party / the claimants, defendants, and any interested party's solicitors on (date): 17/4/219

ATTACHMENT 2.

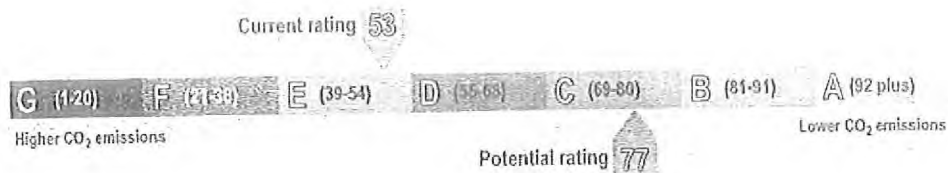
Energy Performance Certificate rating and CO2 emissions

1. This paper is an aid to understanding the claimants perspective on solar power degradation by the proposed development at 260 Wilson. It is not intended as a technical guide to solar panel shading.
2. This overview offers a realistic environmental impact in terms of tonnes of carbon dioxide (CO2) emissions based on the government Energy Performance Certificate (EPC) rating for the claimants property.
3. The EPC figures used in this overview were produced using Government certified Stroma RSAP Engine Ver 2.1.00 (SAP 9.93)
4. The EPC provides an industry standard for efficiency rating in respect of a properties energy use but also CO2 emissions which form a significant component of harmful "Green House" gases.
5. There is significant Amenity benefit of the solar panels to the claimant as the principal beneficiary of the electricity produced but also to the community from the residual power flowing into the National Grid. However, it is the environmental benefits in supporting cleaner air and reducing reliance on fossil fuels where significant benefit is derived.
6. Homes currently account for around 20% of UK emissions, yet action to reduce such emissions has been slow, with 21 million homes currently below EPC rating C, meaning they are not efficient.
7. Medway Council by refusing to acknowledge or even investigate the environmental impact of shading to the claimants solar panels demonstrates a lack of understanding in the technology and why a direction is needed from the court.
8. The current Energy Performance Certification (EPC) rating of the claimants property is band C (69) ref No. 2968-2041-7267-6831-3900.
9. Like for like without the solar microgeneration system the claimants property EPC rating falls to band D (61).
10. At page 4 of the EPC section entitled "**About the impact of buildings on the environment**" the government estimates that the average household per year contributes 6 tonnes of toxic carbon dioxide to the atmosphere.

11. The Claimants property CO₂ emissions is rated at 59 (Band D) achieving and accounting for an average residential property reduction of 2.2 tonnes in carbon dioxide emissions every year.



12. The above CO₂ emission rating for the claimants property includes the environmental benefits of the operational 2.02Kw solar micro generation system which has planning approval by Medway Council.
13. Like for like but without the solar panels included in the EPC rating the claimants property for CO₂ emissions worsens to 53 (Band E) shown below.



14. The CO₂ emission per year for the property without solar panels increases to 5.5 tonnes annually.
15. A simple calculation of difference $5.5 - 3.8 = 1.7$ tonnes of more CO₂ per year without the Claimants solar panels which is equivalent to 42.5 tonnes over the life expectancy of the system.
16. The development shading will directly affect 6 of the claimants 9 panels system.
17. The additional shading will be throughout the year during the extremities of the day and have a severe impact during the seasonal transitions when the sun is lower in the sky.
18. Annually the claimant considers the additional shading will reduce the overall efficiency of the system (power output) by up to 40% as shading of a solar panel is not a linear degradation to power production. A small amount of shading can disproportionately reduce the entire system efficiency.
19. Based on the EPC which attribute 1.7 tonnes in reduction of CO₂ emissions towards UK air quality for the claimants system per year. A reasonable assessment for the proposed development $(1.7 \times 0.4) \times 25 = 17$ tonnes of extra carbon dioxide emissions.

20. The Climate Change Act 2008 set the country's emission reduction targets. The "legally binding" targets are a reduction of least 80% by 2050 (against the 1990 baseline). The European Union has its own emissions target, to which the UK contributes. This currently stands at 20% by 2020 though this may be raised to 30%.
21. The Climate Change Committee undertakes an annual assessment of whether the UK is on course to meet its carbon budgets, and reports on progress to Parliament.
22. Meeting future carbon budgets and the UK's 2050 target to reduce emissions by at least 80% of 1990 levels will require reducing domestic emissions by at least 3% per year.
23. The culmination of the development shading will not only severely affect the claimants living standard, health and wellbeing but impair air quality which Medway Council should mitigate.

Energy Performance Certificate



262, Wilson Avenue, ROCHESTER, ME1 2SP

Dwelling type: Detached bungalow

Date of assessment: 26 March 2019

Date of certificate: 28 March 2019

Reference number: 2968-2041-7267-6831-3900

Type of assessment: RdSAP, existing dwelling

Total floor area: 103 m²

Use this document to:

- Compare current ratings of properties to see which properties are more energy efficient
- Find out how you can save energy and money by installing improvement measures

Estimated energy costs of dwelling for 3 years:

£ 3,048

Over 3 years you could save

£ 972

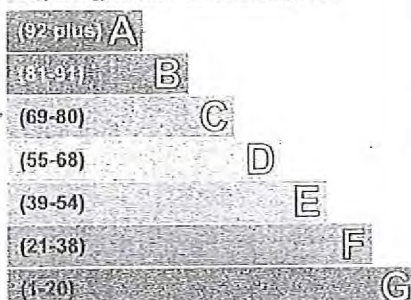
Estimated energy costs of this home

	Current costs	Potential costs	Potential future savings
Lighting	£ 306 over 3 years	£ 234 over 3 years	
Heating	£ 2,349 over 3 years	£ 1,629 over 3 years	
Hot Water	£ 393 over 3 years	£ 213 over 3 years	
Totals	£ 3,048	£ 2,076	

These figures show how much the average household would spend in this property for heating, lighting and hot water and is not based on energy used by individual households. This excludes energy use for running appliances like TVs, computers and cookers, and electricity generated by microgeneration.

Energy Efficiency Rating

Very energy efficient - lower running costs



Not energy efficient - higher running costs

Current	Potential
69	81

The graph shows the current energy efficiency of your home.

The higher the rating the lower your fuel bills are likely to be.

The potential rating shows the effect of undertaking the recommendations on page 3.

The average energy efficiency rating for a dwelling in England and Wales is band D (rating 60).

The EPC rating shown here is based on standard assumptions about occupancy and energy use and may not reflect how energy is consumed by individual occupants.

Top actions you can take to save money and make your home more efficient

Recommended measures	Indicative cost	Typical savings over 3 years
1 Floor insulation (suspended floor)	£800 - £1,200	£ 276
2 Low energy lighting for all fixed outlets	£30	£ 60
3 Heating controls (room thermostat)	£350 - £450	£ 141

See page 3 for a full list of recommendations for this property.

To find out more about the recommended measures and other actions you could take today to save money, visit www.gov.uk/energy-grants-calculator or call 0300 123 1234 (standard national rate). The Green Deal may enable you to make your home warmer and cheaper to run.

Summary of this home's energy performance related features

Element	Description	Energy Efficiency
Walls	Cavity wall, filled cavity	★★★★☆
Roof	Pitched, 200 mm loft insulation Roof room(s), insulated	★★★★☆ ★★★★☆
Floor	Suspended, no insulation (assumed)	—
Windows	Fully double glazed	★★★★☆
Main heating	Boiler and radiators, mains gas	★★★★☆
Main heating controls	Programmer, TRVs and bypass	★★★★☆
Secondary heating	None	—
Hot water	From main system	★★★★☆
Lighting	Low energy lighting in 70% of fixed outlets	★★★★☆

Current primary energy use per square metre of floor area: 204 kWh/m² per year

The assessment does not take into consideration the physical condition of any element. 'Assumed' means that the insulation could not be inspected and an assumption has been made in the methodology based on age and type of construction.

Low and zero carbon energy sources

Low and zero carbon energy sources are sources of energy that release either very little or no carbon dioxide into the atmosphere when they are used. Installing these sources may help reduce energy bills as well as cutting carbon. The following low or zero carbon energy sources are provided for this home:

- Solar photovoltaics

Your home's heat demand

For most homes, the vast majority of energy costs derive from heating the home. Where applicable, this table shows the energy that could be saved in this property by insulating the loft and walls, based on typical energy use (shown within brackets as it is a reduction in energy use).

Heat demand	Existing dwelling	Impact of loft insulation	Impact of cavity wall insulation	Impact of solid wall insulation
Space heating (kWh per year)	11,209	N/A	N/A	N/A
Water heating (kWh per year)	2,248			

You could receive Renewable Heat Incentive (RHI) payments and help reduce carbon emissions by replacing your existing heating system with one that generates renewable heat, subject to meeting minimum energy efficiency requirements. The estimated energy required for space and water heating will form the basis of the payments. For more information, search for the domestic RHI on the www.gov.uk website.

Recommendations

The measures below will improve the energy performance of your dwelling. The performance ratings after improvements listed below are cumulative; that is, they assume the improvements have been installed in the order that they appear in the table. Further information about the recommended measures and other simple actions you could take today to save money is available at www.gov.uk/energy-grants-calculator. Before installing measures, you should make sure you have secured the appropriate permissions, where necessary. Such permissions might include permission from your landlord (if you are a tenant) or approval under Building Regulations for certain types of work.

Recommended measures	Indicative cost	Typical savings per year	Rating after improvement
Floor insulation (suspended floor)	£800 - £1,200	£ 92	C73
Low energy lighting for all fixed outlets	£30	£ 20	C73
Heating controls (room thermostat)	£350 - £450	£ 47	C75
Replace boiler with new condensing boiler	£2,200 - £3,000	£ 132	C80
Solar water heating	£4,000 - £6,000	£ 32	B81

Alternative measures

There are alternative measures below which you could also consider for your home.

- Biomass boiler (Exempted Appliance if in Smoke Control Area)
- Micro CHP

Opportunity to benefit from a Green Deal on this property

Green Deal Finance allows you to pay for some of the cost of your improvements in instalments under a Green Deal Plan (note that this is a credit agreement, but with instalments being added to the electricity bill for the property). The availability of a Green Deal Plan will depend upon your financial circumstances. There is a limit to how much Green Deal Finance can be used, which is determined by how much energy the improvements are estimated to save for a 'typical household'.

You may be able to obtain support towards repairs or replacements of heating systems and/or basic insulation measures, if you are in receipt of qualifying benefits or tax credits. To learn more about this scheme and the rules about eligibility, call the Energy Saving Advice Service on 0300 123 1234 for England and Wales.

About this document and the data in it

This document has been produced following an energy assessment undertaken by a qualified Energy Assessor, accredited by Stroma Certification. You can obtain contact details of the Accreditation Scheme at www.stroma.com.

A copy of this certificate has been lodged on a national register as a requirement under the Energy Performance of Buildings Regulations 2012 as amended. It will be made available via the online search function at www.epcregister.com. The certificate (including the building address) and other data about the building collected during the energy assessment but not shown on the certificate, for instance heating system data, will be made publicly available at www.opendatacommunities.org.

This certificate and other data about the building may be shared with other bodies (including government departments and enforcement agencies) for research, statistical and enforcement purposes. Any personal data it contains will be processed in accordance with the General Data Protection Regulation and all applicable laws and regulations relating to the processing of personal data and privacy. For further information about this and how data about the property are used, please visit www.epcregister.com. To opt out of having information about your building made publicly available, please visit www.epcregister.com/optout.

Assessor's accreditation number: STRO032272
Assessor's name: Graham Miller
Phone number: 07702034818
E-mail address: grahammiller27@hotmail.com
Related party disclosure: No related party

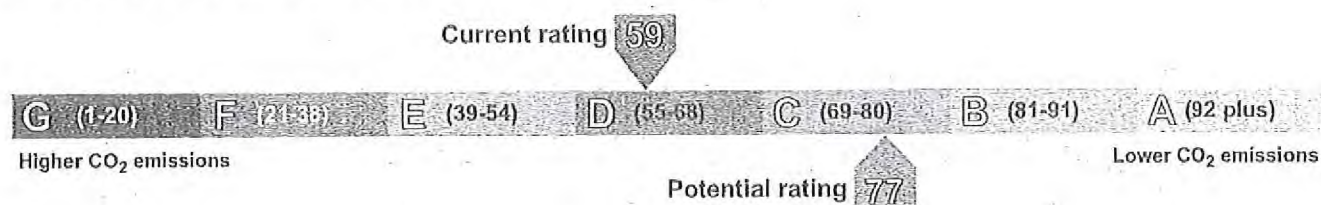
There is more information in the guidance document *Energy Performance Certificates for the marketing, sale and let of dwellings* available on the Government website at: www.gov.uk/government/collections/energy-performance-certificates. It explains the content and use of this document, advises on how to identify the authenticity of a certificate and how to make a complaint.

About the impact of buildings on the environment

One of the biggest contributors to global warming is carbon dioxide. The energy we use for heating, lighting and power in homes produces over a quarter of the UK's carbon dioxide emissions.

The average household causes about 6 tonnes of carbon dioxide every year. Based on this assessment, your home currently produces approximately 3.8 tonnes of carbon dioxide every year. Adopting the recommendations in this report can reduce emissions and protect the environment. If you were to install these recommendations you could reduce this amount by 1.8 tonnes per year. You could reduce emissions even more by switching to renewable energy sources.

The environmental impact rating is a measure of a home's impact on the environment in terms of carbon dioxide (CO₂) emissions based on standardised assumptions about occupancy and energy use. The higher the rating the less impact it has on the environment.



Energy Performance Certificate

PREVIEW
NOT FOR ISSUE
GOV.UK Government

262, Wilson Avenue, ROCHESTER, ME1 2SP

Dwelling type: Detached bungalow

Date of assessment: 13 March 2019

Date of certificate: 14 March 2019

Reference number: 0000-0000-0000-0000-0000


Type of assessment: RdSAP, existing dwelling

Total floor area: 132 m²

Use this document to:

- Compare current ratings of properties to see which properties are more energy efficient
- Find out how you can save energy and money by installing improvement measures

Estimated energy costs of dwelling for 3 years:	£ 3,459
Over 3 years you could save	£ 1,098

Estimated energy costs of this home			
	Current costs	Potential costs	Potential future savings
Lighting	£ 357 over 3 years	£ 273 over 3 years	
Heating	£ 2,700 over 3 years	£ 1,869 over 3 years	
Hot Water	£ 402 over 3 years	£ 219 over 3 years	
Totals	£ 3,459	£ 2,361	

These figures show how much the average household would spend in this property for heating, lighting and hot water and is not based on energy used by individual households. This excludes energy use for running appliances like TVs, computers and cookers, and electricity generated by microgeneration.

Energy Efficiency Rating		
<p>Very energy efficient - lower running costs</p> <p>(92 plus) A</p> <p>(81-91) B</p> <p>(69-80) C</p> <p>(55-68) D</p> <p>(39-54) E</p> <p>(21-38) F</p> <p>(1-20) G</p> <p>Not energy efficient - higher running costs</p>	<p>Current</p> <p>61</p>	<p>Potential</p> <p>81</p>

The graph shows the current energy efficiency of your home.

The higher the rating the lower your fuel bills are likely to be.

The potential rating shows the effect of undertaking the recommendations on page 3.

The average energy efficiency rating for a dwelling in England and Wales is band D (rating 60).

The EPC rating shown here is based on standard assumptions about occupancy and energy use and may not reflect how energy is consumed by individual occupants.

Top actions you can take to save money and make your home more efficient

Recommended measures	Indicative cost	Typical savings over 3 years
1 Floor insulation (suspended floor)	£800 - £1,200	£ 300
2 Low energy lighting for all fixed outlets	£30	£ 69
3 Heating controls (room thermostat)	£350 - £450	£ 165

See page 3 for a full list of recommendations for this property.

To find out more about the recommended measures and other actions you could take today to save money, visit www.gov.uk/energy-grants-calculator or call 0300 123 1234 (standard national rate). The Green Deal may enable you to make your home warmer and cheaper to run.

Summary of this home's energy performance related features

Element	Description	Energy Efficiency
Walls	Cavity wall, filled cavity	★★★★☆
Roof	Pitched, 100 mm loft insulation	★★★★☆
	Roof room(s), insulated	★★★★☆
Floor	Suspended, no insulation (assumed)	—
Windows	Fully double glazed	★★★★☆
Main heating	Boiler and radiators, mains gas	★★★★☆
Main heating controls	Programmer, TRVs and bypass	★★★★☆
Secondary heating	None	—
Hot water	From main system	★★★★☆
Lighting	Low energy lighting in 70% of fixed outlets	★★★★☆

Current primary energy use per square metre of floor area: 234 kWh/m² per year

The assessment does not take into consideration the physical condition of any element. 'Assumed' means that the insulation could not be inspected and an assumption has been made in the methodology based on age and type of construction.

Low and zero carbon energy sources

Low and zero carbon energy sources are sources of energy that release either very little or no carbon dioxide into the atmosphere when they are used. Installing these sources may help reduce energy bills as well as cutting carbon. There are none provided for this home.

Your home's heat demand

For most homes, the vast majority of energy costs derive from heating the home. Where applicable, this table shows the energy that could be saved in this property by insulating the loft and walls, based on typical energy use (shown within brackets as it is a reduction in energy use).

Heat demand	Existing dwelling	Impact of loft insulation	Impact of cavity wall insulation	Impact of solid wall insulation
Space heating (kWh per year)	13,182	(380)	N/A	N/A
Water heating (kWh per year)	2,305			

You could receive Renewable Heat Incentive (RHI) payments and help reduce carbon emissions by replacing your existing heating system with one that generates renewable heat, subject to meeting minimum energy efficiency requirements. The estimated energy required for space and water heating will form the basis of the payments. For more information, search for the domestic RHI on the www.gov.uk website.

Recommendations

The measures below will improve the energy performance of your dwelling. The performance ratings after improvements listed below are cumulative; that is, they assume the improvements have been installed in the order that they appear in the table. Further information about the recommended measures and other simple actions you could take today to save money is available at www.gov.uk/energy-grants-calculator. Before installing measures, you should make sure you have secured the appropriate permissions, where necessary. Such permissions might include permission from your landlord (if you are a tenant) or approval under Building Regulations for certain types of work.

Recommended measures	Indicative cost	Typical savings per year	Rating after improvement
Floor insulation (suspended floor)	£800 - £1,200	£ 100	D65
Low energy lighting for all fixed outlets	£30	£ 23	D65
Heating controls (room thermostat)	£350 - £450	£ 55	D67
Replace boiler with new condensing boiler	£2,200 - £3,000	£ 154	C73
Solar water heating	£4,000 - £6,000	£ 33	C73
Solar photovoltaic panels, 2.5 kWp	£5,000 - £8,000	£ 343	B81

Alternative measures

There are alternative measures below which you could also consider for your home.

- Biomass boiler (Exempted Appliance if in Smoke Control Area)
- Micro CHP

Opportunity to benefit from a Green Deal on this property

Green Deal Finance allows you to pay for some of the cost of your improvements in instalments under a Green Deal Plan (note that this is a credit agreement, but with instalments being added to the electricity bill for the property). The availability of a Green Deal Plan will depend upon your financial circumstances. There is a limit to how much Green Deal Finance can be used, which is determined by how much energy the improvements are estimated to save for a 'typical household'.

You may be able to obtain support towards repairs or replacements of heating systems and/or basic insulation measures, if you are in receipt of qualifying benefits or tax credits. To learn more about this scheme and the rules about eligibility, call the Energy Saving Advice Service on 0300 123 1234 for England and Wales.

About this document and the data in it

This document has been produced following an energy assessment undertaken by a qualified Energy Assessor, accredited by Stroma Certification. You can obtain contact details of the Accreditation Scheme at www.stroma.com.

A copy of this certificate has been lodged on a national register as a requirement under the Energy Performance of Buildings Regulations 2012 as amended. It will be made available via the online search function at www.epcregister.com. The certificate (including the building address) and other data about the building collected during the energy assessment but not shown on the certificate, for instance heating system data, will be made publicly available at www.opendatacommunities.org.

This certificate and other data about the building may be shared with other bodies (including government departments and enforcement agencies) for research, statistical and enforcement purposes. Any personal data it contains will be processed in accordance with the General Data Protection Regulation and all applicable laws and regulations relating to the processing of personal data and privacy. For further information about this and how data about the property are used, please visit www.epcregister.com. To opt out of having information about your building made publicly available, please visit www.epcregister.com/optout.

Assessor's accreditation number: STRO032272
 Assessor's name: Graham Miller
 Phone number: 07702034818
 E-mail address: grahammiller27@hotmail.com
 Related party disclosure: No related party

There is more information in the guidance document *Energy Performance Certificates for the marketing, sale and let of dwellings* available on the Government website at: www.gov.uk/government/collections/energy-performance-certificates. It explains the content and use of this document, advises on how to identify the authenticity of a certificate and how to make a complaint.

About the impact of buildings on the environment

One of the biggest contributors to global warming is carbon dioxide. The energy we use for heating, lighting and power in homes produces over a quarter of the UK's carbon dioxide emissions.

The average household causes about 6 tonnes of carbon dioxide every year. Based on this assessment, your home currently produces approximately 5.5 tonnes of carbon dioxide every year. Adopting the recommendations in this report can reduce emissions and protect the environment. If you were to install these recommendations you could reduce this amount by 3.0 tonnes per year. You could reduce emissions even more by switching to renewable energy sources.

The environmental impact rating is a measure of a home's impact on the environment in terms of carbon dioxide (CO₂) emissions based on standardised assumptions about occupancy and energy use. The higher the rating the less impact it has on the environment.

Current rating **53**

G (1-20)	F (21-38)	E (39-54)	D (55-68)	C (69-80)	B (81-91)	A (92 plus)
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Higher CO₂ emissionsPotential rating **77**Lower CO₂ emissions

ATTACHMENT 3.

IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT
QUEENS BENCH DIVISION

CASE NO: CO/155/2019

BETWEEN:

William McLennan

Claimant

-and-

Medway Council

1st Defendant

-and-

Ken Kennedy

2nd Defendant

APPLICATION TO AMEND CLAIM TO
INCLUDE ADDITIONAL RELIEF

1. The Claimant wishes to include in the relief sought a Direction that any future planning approval by the 1st Defendant for the 2nd Defendant property must avoid any detriment to the current Energy Performance Certificate (EPC) rating for the Claimants property (Annexure 1).
2. The relief seeks to protect the Claimants current property EPC rating to:
 - Safeguard the integrity of government data used to inform and guide climate change legislation.
 - Safeguard CO2 emissions reduction and air quality.
 - Safeguard financial return on investment for the solar panel technology which receives no government subsidy.
3. The UK EPC is a result of European Union Directive 2002/91/EC relating to the energy performance of buildings, as transposed into British law by the Housing Act 2004 and

The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007.

4. The Energy Act 2011 enabled regulations which made EPC data publicly available. The data is used by government departments, Local Authorities and commercial entities to promote and report on carbon reduction targets, inform on energy saving legislation and promote adoption of low carbon technologies.
5. The Domestic Energy Performance Certificate Register is operated by Landmark on behalf of the Government, managed by Ministry of Housing, Communities & Local Government.
6. The Claimants guide to CO2 emissions reduction and pollution calculations caused by the shading to their solar panels by the 2nd Defendant development based on the government EPC survey is provided at Annexure 2.
7. The CO2 pollution at risk by the 1st Defendant and 2nd Defendant actions is estimated at 17.5 tonnes.
8. The increase in CO2 emissions caused by the development shading of the solar panels will create a departure from the registered expectation for the Claimants property compromising integrity of the government reporting data and targets.
9. The Claimant after extensive and unproductive dialogue with the 1st Defendant to secure a stay of planning decision on MC/19/0666 had to revert to the court.
10. An Order by the honourable Mrs Justice Andrews DBE 17th April 2019 directed a stay on the determination by the 1st Defendant for the 2nd Defendant planning application MC/19/0666 and prohibited the 2nd Defendant from any further planning application until the court hearing (Annexure 3).

11. The 1st Defendant acknowledged the Order by notifying the Claimant and Administrative Court Office that it intends to challenge the stay of decision. (Annexure 4).
12. The Case Officers witness statement attached to the 1st Defendant Detailed Grounds of Resistance admits an error in not understanding the correct orientation of the 2nd Defendant property at the time of decision making (Annexure 5).
13. The Case Officer's retrospective overshadowing test AG2 and AG3 of the Claimants property reveals greater shadowing by the development on the building not exclusively across the garden inferred in the Case Officers witness statement.
14. The witness statement contains no reference to certified computer software or version used to produce the overshadowing test nor an explanation of how to reference shadow impact through seasonal transitions and sun trajectory across the year. It is extremely primitive in form and factual detail.
15. The Case Officer fails to translate the overshadowing impact in terms of neighbour amenity detriment or carbon footprint increase raised in the claimant's representation.
16. The Case Officer without investigating or quantifying the severity of overshadowing caused by the 2nd Defendant proposal on the Claimant's wellbeing or wider environment defensively states "*the outcome of the decision on the application would not have altered and permission would still have been granted.* "
17. Whether or not solar panels are specifically protected by the Medway adopted Local Plan, Town and Country Planning Act, Climate Change Act, Air Quality Act, Environmental Protection Act, future Clean Air Bill or other acts, the Claimant is concerned at the lack of forethought by the Case Officer on the wider environmental pollution which the 1st Defendant defends.
18. The 1st Defendant challenge to the judicial review claim possibly reveals an obstructive posturing towards combating climate change by a Local Authority.

19. Should the court issue a Quashing Order for MC/18/2739 without providing guidance to the 1st Defendant on the protection of the environment it is likely they will approve the 2nd Defendant plans without amendment.
20. The planning decision notice dated 6th December 2018 reveals no mitigation or alternative development plans were considered to avoid environmental detriment due to shading of the neighbour solar panels or amenity protection.
21. A Direction which prevents detriment to the Claimants property EPC rating will drive alternative modernisation and improvement plans for the 2nd Defendant property which will avoid environmental and neighbour amenity detriment.
22. The EPC is a government adopted quantitative and qualitative measure to improve the environment by encourage tangible energy saving initiatives by home owners for not only occupant's benefit but the community as a whole which has been embraced by the Claimant.
23. The Claimant is supportive of the modernisation and improvement of the 2nd Defendants property but feels it should not be at the detriment to his amenity or the wider environment.
24. Relief is sought to protect the claimants property EPC rating components as the 1st nor 2nd Defendant has evidenced a consideration for the wider environmental pollution or amenity impact prior to, or since the claim was lodged 14 Jan 2019.
25. The Claimant does not wish to have to revert to the court again.
26. The Claimant looks to the court to direct as it sees fit.

Stuart Stevens
Holborn Chambers
29.04.19

ATTACHMENT 3.

IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT
QUEENS BENCH DIVISION

CASE NO: CO/155/2019

BETWEEN:

William McLennan

Claimant

-and-

Medway Council

1st Defendant

-and-

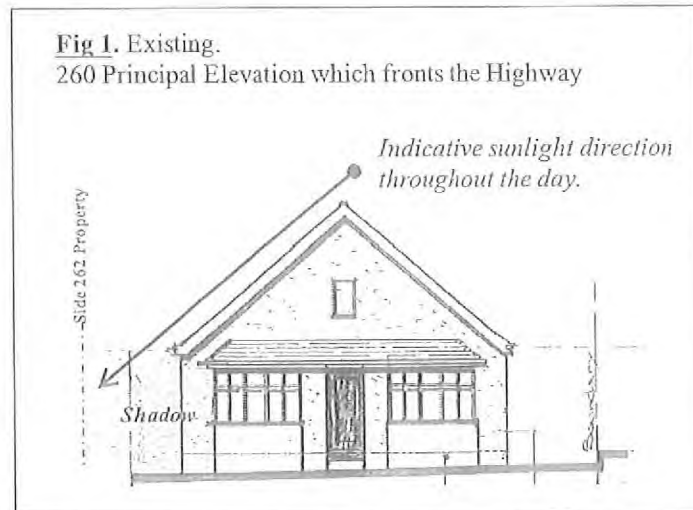
Ken Kennedy

2nd Defendant

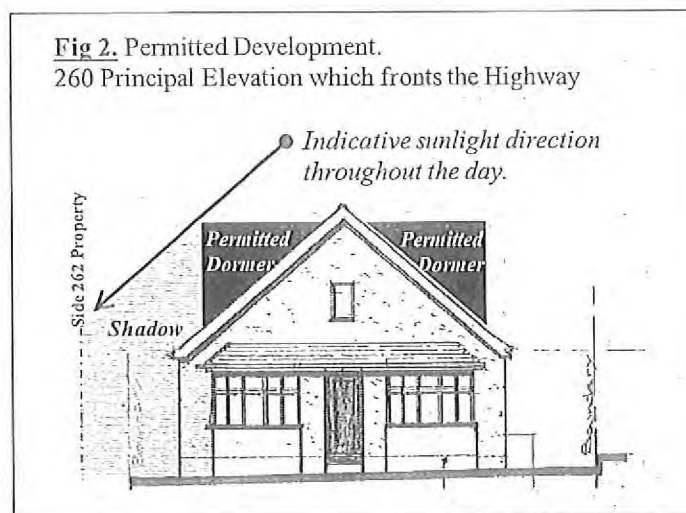
APPLICATION TO AMEND CLAIM TO
INCLUDE ADDITIONAL RELIEF

1. The Claimant wishes to include in the relief sought a Town and Country Planning (General Permitted Development) England, Order 2015 Article 4, Direction restricting permitted development.
2. A Direction would prevent the 2nd Defendant, from causing a future nuisance by interfering with the performance of the Claimant's solar micro-regeneration amenity through selective application of the Town and Country Planning Act 2015 Schedule 2. Article 3, Permitted Development Rights, which the local planning authority would be powerless to prevent.
3. The consideration is in relation to a specific type of principal front elevation of a property which faces the highway identical to that owned by the 2nd Defendant.
4. The Development not permitted criterion is examined to explain why it is ineffective in this matter and why Article 4, (1) relief is sought by the Claimant.

5. The existing principal elevation of the 2nd Defendants property is shown in figure 1, with indicative sunlight direction and shadowing to Claimants property.



6. The widely accepted application of Schedule 2 Permitted development rights, when the development complies with all not permitted criteria is shown in Fig 2 below.



7. The widespread planning authority interpretation allows large dormers to be installed in the side elevation roof plane significantly increasing the shadowing of the Claimants property.
8. While the dormer sides front the highway they are not considered to be part of the principal elevation despite presenting a significant change to the view of the property from the road.

9. The dormer roof alteration shown in Fig 2 does not act contrary to the wording of B.1 (c) Development not permitted which states:

10. *Class B – additions etc to the roof of a dwellinghouse* “Development not permitted” B.1 (c) states:

a. *“any part of the dwelling would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts the highway.”*

11. The B.1(c) criterion cannot be used to prevent the build.

12. The 2nd Defendant under the Town and Country Planning Act 2015, Schedule 2, Permitted Development Rights could subject the Claimant’s property to uncontrolled amenity detriment and future nuisance.

13. The Claimant wishes to avoid future litigation by asking the court to remove the Permitted development rights to protect the Claimant’s amenity under Article 4 of the Town and Country Planning Act 2015 which states:

14. Article 4:

a. *Directions restricting permitted development*

b. *4.—(1) If the Secretary of State or the appropriate local planning authority is satisfied that it is expedient that development described in any Part, Class or paragraph in Schedule 2, other than Class B of Part 22 or Class B of Part 23, should not be carried out unless permission is granted for it on an application, he or they may give a direction under this paragraph that the permission granted by article 3 shall not apply to—*

c. *(a)all or any development of the Part, Class or paragraph in question in an area specified in the direction; or*

d. *(b)any particular development, falling within that Part, Class or paragraph, which is specified in the direction,*

e. *and the direction shall specify that it is made under this paragraph.*

15. The 2nd Defendant would be required to revert to Medway planning authority for any future development to ensure neighbour amenity protection is best managed.

16. The Town and Country Planning Act 1990 Section 215 Best Practice Guidance states:

- a. *DEFINITION OF 'AMENITY' 'Amenity' is a broad concept and not formally defined in the legislation or procedural guidance, ie it is a matter of fact and degree and, certainly common sense. Each case will be different and what would not be considered amenity in one part of an LPA's area might well be considered so in another.*

17. While Section 215 does not apply to Schedule 2, Permitted development rights the Town and Country Planning Act guidance recognises the scope and application of Amenity is extremely wide.
18. The Medway adopted local plan 2003 does not define the word Amenity or specifically exclude protection of direct sunlight for residential solar energy systems under BNE2 Amenity protection or any other environmental policy.
19. Because the word Amenity has no recognised boundary in UK planning legislation the application of common sense as recommended in the Town and Country Planning Act 1990, Best Practice Guide may promote the adoption of a popular definition to guide on whether a solar micro-generation system is considered an Amenity.
20. The oxford dictionary defines Amenity as:

- a. *"A desirable or useful feature or facility of a building or place."*

21. The Claimants planning representation sought protection by Medway Council for daylight and sunlight to his side elevation kitchen dining area south facing windows and solar panels (mounted immediately above the windows) under Local Plan policy BNE2. The case officer despite the Claimant's solar panel installation and habitable room window being clearly visible, failed to quantify shadowing detriment to the property or evidence common sense on the matter in their recommendation.
22. Notwithstanding shadowing and impairment of direct sunlight to the kitchen diner side windows the environmental credentials of the Claimant outlined in the their Aarhus statement attests to a strong belief and personal investment in environmentally friendly low carbon initiatives, of which the solar micro-generation system mounted on the south facing side wall elevation is only part.
23. The Energy Performance of Buildings Directive is the European Union's main legislative instrument to promote the improvement of the energy performance of buildings within the Community.

The UK Energy Performance certification (EPC) is a result of European Union Directive 2002/91/EC relating to the energy performance of buildings, as transposed into British

law by the Housing Act 2004 and The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007.

The EU directive makes provision for EPC recommendations to the householder to be cost effective in improving the energy efficiency of their home. Solar Panel amenity is recognised as an element of the assessment which if not already installed is shown in a section described as 'further measures'.

24. The EPC is a government adopted quantitative and qualitative measure to improve the environment by encourage tangible energy saving initiatives by home owners for not only occupant's benefit but the community as a whole which has been embraced by the Claimant.
25. The Claimant is supportive of the modernisation and reasonable enlargement of 260 but feels it should not be at the detriment to his amenity or the environment as a whole.
26. The planning decision notice dated 6th December 2019 reveals no mitigation or alternative development plans were considered to reduce impact on the neighbour's amenity.
27. Neither the 2nd Defendant nor the case officer has shown appreciation of the environmental importance of direct sunlight to habitable areas of the Claimant property or solar micro-generation system detriment.
28. The Claimant believes the protection of the solar micro-generation system installed at his own expense which receives no government or utility payments would be protected as part of an environmental amenity under Local Plan policy BNE2 and Medway emerging local plan.
29. In support of the relief, the former owner of 260 did not make representation or objection about the Claimant's solar panel planning application.
30. The Claimant does not wish the 2nd Defendant who has only recently purchased the property to have an opportunity to achieve their plans unencumbered by planning approval.
31. Without removing the Permitted development rights of the property it will be impossible for Medway Planning Authority to protect the socio beneficial environmental aspects of the solar micro-generation system under BNE2 or any other environmental protection policy or law.

32. The Claimant does not wish to have to revert to the court again.

33. Relief is sought as the 2nd Defendant's development evidences no consideration for the neighbouring amenity impact.

34. The Claimant looks to the court to direct as it sees fit.

Stuart Stevens
Colborn Chambers
11.5.19

11/11/2024

Planning application Ref: MC/19/0666
Location: 260 Wilson Avenue Rochester, Kent ME1 2SP.

Proposal: Construction of extension to rear, dormer window to side (demolition of part existing rear extension, conservatory and garage).

Climate change, Greenhouse gases, Carbon footprint and air pollution are not mentioned in the Officers report or why this application has been subject to a judicial STAY ORDER preventing Medway Planning Authority from determining this application.

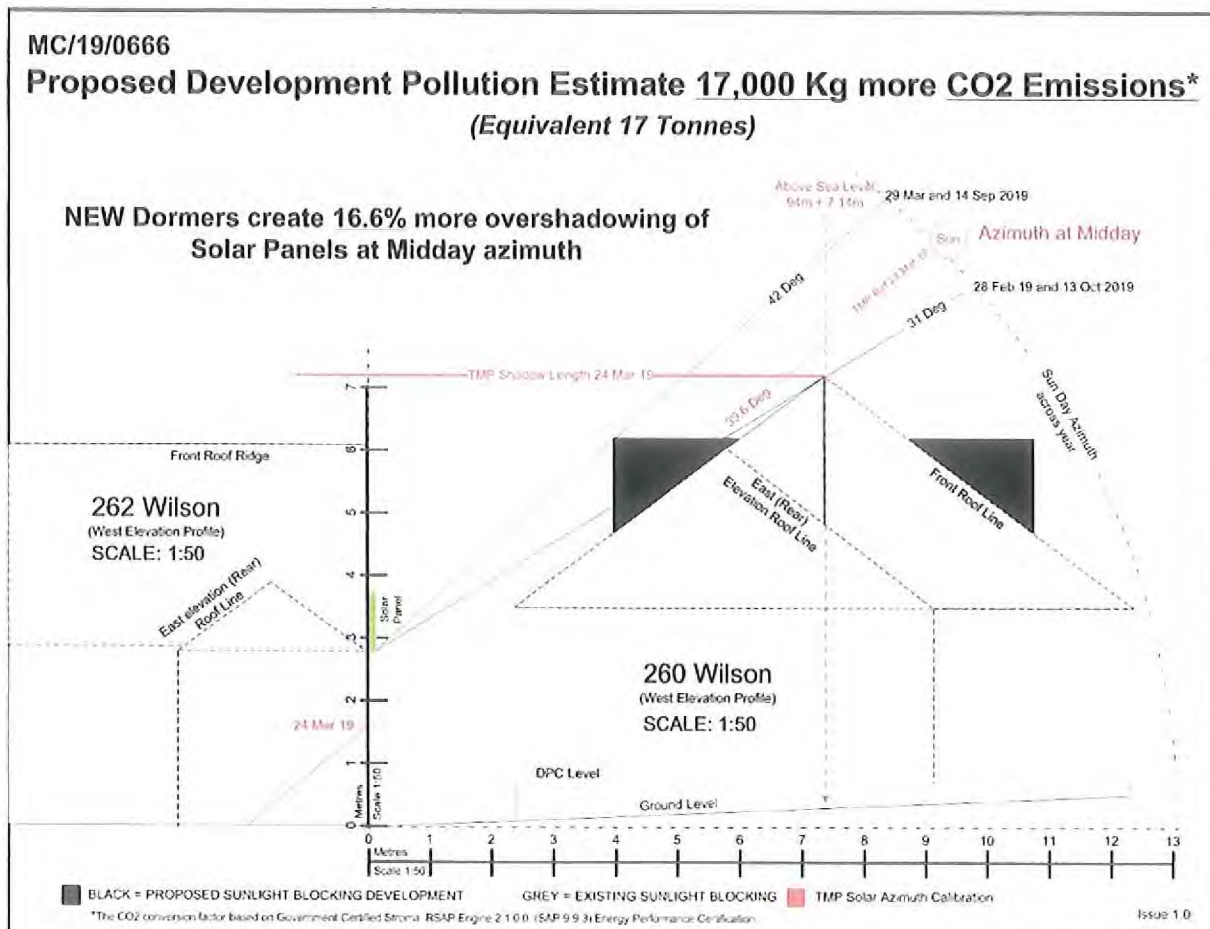
Also missing from the Officers report is why an almost identical planning application for the same property (MC/18/2739) is subject to a High Court Judicial Review 11 June 2019 or why it is being challenged?

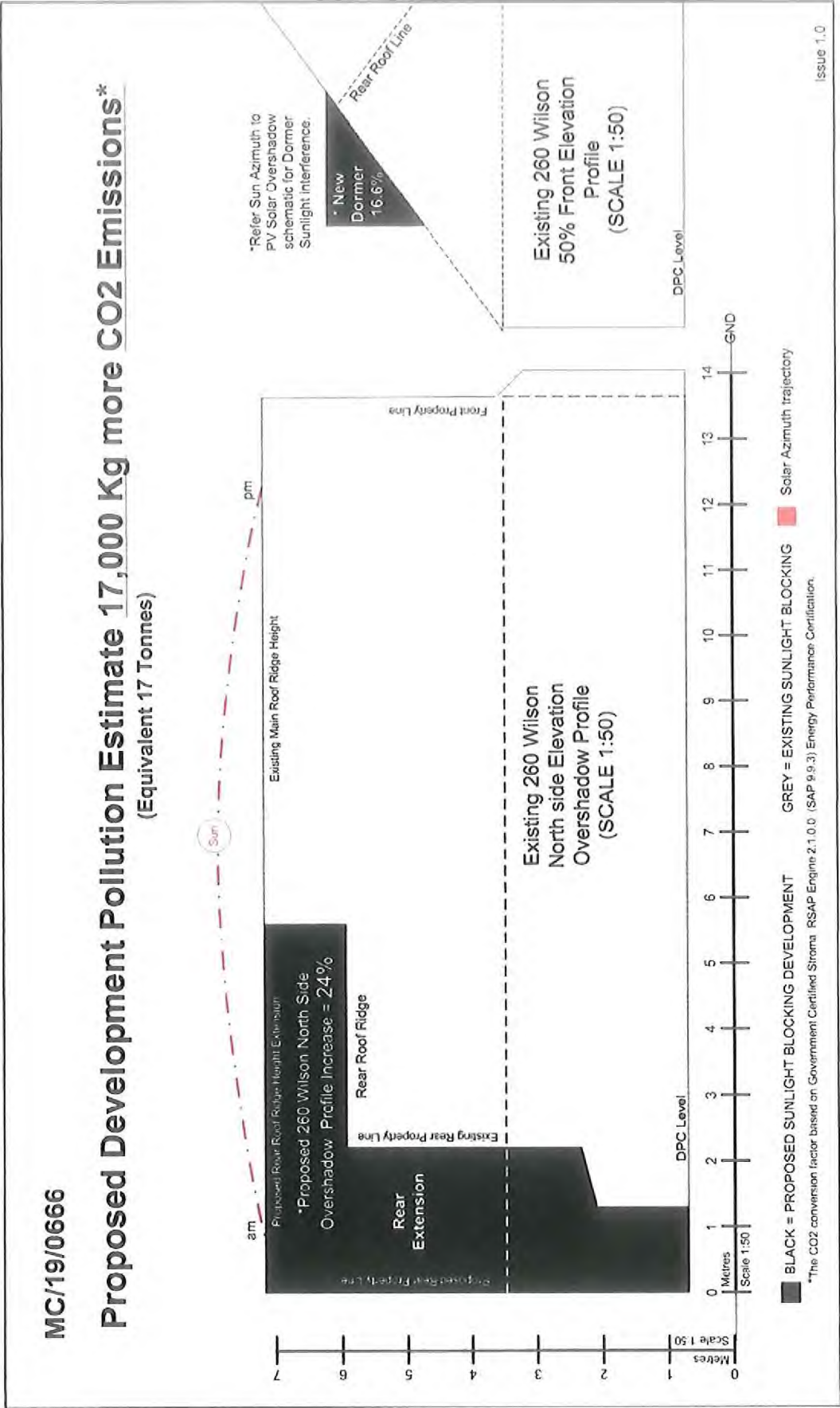
In issuing the STAY ORDER Justice Andrews reasoned that should the Claimant be successful the wait would offer the Officer the benefit of judicial guidance which would hopefully inform the way in which the decision for this application is approached and avoid further litigation.

The Officers report is without judicial guidance on a serious environmental issue which amounts to 17,000Kg of additional CO2 pollution caused by the development overshadowing of neighbouring solar panels which have planning approval. No alternative design has been considered to avoid the environmental impact.

To aid understanding a small amount of overshadow of a single solar panel can have severe consequences for overall power production. The power degradation is not linear to shadowing. The development solar system overshadowing is outlined in the following schematics.

Government certified software Stroma RSAP Engine 2.1.0.0 (SAP 9.93) was used to calculate the CO2 emissions pollution.





Peter Common
40 The Causeway
St. Marys' Island
Chatham, ME4 3SR

28th May 2019

Dear Councillor

Re Planning application: MC/19/0703 – 34 The Causeway, St. Mary's Island, Chatham, ME4 3SR.

Proposed Works: Installation of a new, external, spiral staircase to the rear elevation.

Retrospective application for the installation of raised, timber planters and a raised decking area to the rear garden, with replacement of the 1.8m high, rear close board boundary fence with a 1m high (approx) timber post and wire fence.

May I please apologise for my late response to the applicants letter of 24th April regarding my objection dated 3rd April 2019.

I only became aware yesterday that this application is due to be discussed at the next Planning Committee meeting on this Wednesday 29th May 2019.

Our Councillor Habib Tejan, who called this in, has asked for my response to the applicants letter of 24th April and this response to be considered before any decision is made.

Re Retrospective planning at 42 The Causeway. MC/18/0284. 25th January 2018. Approved 15th March 2018.

This was submitted in January 2018 retrospectively, by Andrew Wells.

This was retrospective application and my wife and I were decanted from our property between August 2014-August 2017 when these works occurred, whilst waiting for works to our property to commence.

I had no objection to the retrospective planning application, being steps with a fence on top, without the possibility, at present, of placing seating.

This application did not effectively reduce the existing close board fence height (1.8m) between neighbouring properties.

I would now object if these steps were changed and reconfigured to a viewing platform/deck as it would effectively reduce the close board fence height by the height of a platform giving views over it and making the fence between properties redundant. Please see photo B.

To ensure privacy by way of landscaping would cause loss of light to my property.

Hence our concerns expressed in letter of 3rd April 2019 of setting a precedence for a viewing platform.

Re. Retrospective planning 36 The Causeway. MC/17/1958. 5th June 2017. Approved 5th Sept 2017.

No objection as the seating in this construction is at ground level.

I would now object if changed and reconfigured to a viewing platform/deck for the reasons stated above.

Hence again our concerns expressed in letter of 3rd April 2019 of setting a precedence.

Platform V Steps.

The viewing platform projects into the middle of the garden not just filling-in over the bank and has both steps, for access, and platform for standing and sitting, offering views into neighbouring private areas. Not just to the ground floor.

Direct river views are obtainable from the 1st floor terrace/living areas and 2nd floor master bedroom.

No direct views into neighbouring internal living areas to the ground floor are possible from anywhere when on the 1st floor balcony, even from the sides of the balcony.

On original purchase I was fully aware that the gardens were small (short) and not totally private, however as stated in my letter, we purchased into an area with *"no permitted development rights"* and with fencing that provided reasonable security and privacy, being 1.8m high to sides which increased with the slope to the rear of the garden.

Pre-existing views of neighbouring properties.

I was of course fully aware of the bank to the rear of our property, however the original bank was at such a slope where it was difficult to use and one would have to hold on to the fence to be able to look back from the top of the slope into neighbouring properties.

Realising that a view into neighbouring properties was possible from the top of the bank, I fail to understand why the applicant did not consider this when building a viewing platform to the same height. Providing a view over the existing close board fences, and the loss of light to neighbouring properties due to landscaping height to maintain privacy.

The viewing platform has degraded the privacy of neighbouring properties, as when standing on the decking there are views over the close board fences.

Summary.

I have no alternative reasons other than if permitted this application will set a precedent for others now or in the future, because when standing on a viewing platform at 725mm, or greater, neighbours have views over the existing 1.8m close board fencing and will have a raised view into neighbouring properties. Please see photo attached A.

Photo attached B, from my ground floor internal living area showing suggested angle that a neighbour would have should a platform be built next to me now or in the future, showing the size of the upright balcony supports.

At a meeting with CMT on 5th September 2018 the trust recognised that the forthcoming application could set a precedent and understood our concerns to loss of privacy. They recommended that I contact my Councillor.

I do not feel that this is a waste of Council time, as there is a risk to the loss of my privacy.

I have waited patiently for this application to be made before my objections could be submitted.

I am objecting to the raised seating/viewing platform that will set a precedent for anyone in the Causeway (or other areas) to replicate it, and such a structure in my immediate neighbour's gardens would undoubtedly deprive me of my right to privacy in my living areas, especially to the ground floor, or my loss of light due to landscaping.

Originally the height of the side fences did rise in line with the original slope, however the raised platform extends past to where the original slope started, and at a height of 725mm effectively lowers the side fence by the same of 725mm as it extends down the garden, reducing the height of the original 1.8m close board fence to 1.075m in height, effectively one will be standing waist height over the fence, photo A, a view is obtainable over boundary fencing.

The gardens are extremely short and visual privacy as set out in Medway's Housing design standards would be compromised along with policies BNE1 and BNE2 as stated in my letter of 3rd April 2019. I do not believe that landscaping can be considered as a permanent protection to privacy, and the height of landscaping required to protect privacy, approx. 2.5m (height of current fence 1800mm plus height of platform 725mm), and this would then create a loss of light to neighbouring ground floor living areas and gardens, and as photo B shows, the upright supports do not restrict direct views in the ground floor internal living areas.

Yours sincerely

Peter Common.

A



B

